#### **Screening Form**

### Low-Effect Incidental Take Permit Determination and National Environmental Policy Act (NEPA)

#### **Environmental Action Statement**

#### I. HCP Information

- A. HCP Name: Foothill Feeder Inspection and Maintenance Activities
- **B.** Affected Species: unarmored threespine stickleback, arroyo toad, California red-legged frog, Santa Ana sucker, western spadefoot, two-striped garter snake, western pond turtle
- **A. HCP Size (in stream miles and/or acres):** The applicant is proposing to discharge approximately 243.2 acre feet of freshwater into the Santa Clara River and a few of its tributaries within the Santa Clarita Valley, Los Angeles County, reaching approximately 15 river miles occupied by the affected species.

#### B. Brief Project Description (including minimization and mitigation plans):

The Metropolitan Water District of Southern California (Applicant) has prepared this low-effect Habitat Conservation Plan (HCP) in support of an application package for an Incidental Take Permit (ITP) pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 as amended, from the U.S. Fish and Wildlife Service (Service). The proposed HCP addresses the following general elements to maintain the Foothill Feeder infrastructure integrity and operability:

- Continue to repair and/or replace damaged segments of the Foothill Feeder to ensure continued public safety and reliability of the pipeline.
- Continue to periodically dewater the Foothill Feeder for inspection and maintenance activities.
- Respond to emergency situations within the project region, which may result in unexpected pipeline damages that could require an unplanned pipeline shutdown, necessitating dewatering as quickly as possible.
- Implement Conservation Action activities that contribute to unarmored threespine stickleback recovery and satisfy the requirements of California Fish and Game Code Section 2081.10.

The Foothill Feeder requires maintenance, inspection, and repair to ensure continued public safety and pipeline reliability. This can involve site preparation, shutdown, dewatering, and refilling of the Foothill Feeder. Preparation involves grading of existing access roads, placement of aggregate (e.g., crushed rock used for road base or road surfacing) base on existing access roads or work areas, weed abatement around existing structures and along access roads, minor maintenance of valves and electrical components, and material and equipment staging. Shutdowns and subsequent refilling involve isolating water in the system,

blowing off water in the pipeline segments through gravity and subsequently pumping out the remaining water in the system, providing entrance and exit/ventilation locations, conducting eddy current testing (ECT) inspections, conducting maintenance and upgrade activities, and refilling the pipeline. Covered activities would also include conservation-related activities, such as protection, enhancement, monitoring, and long-term management activities, at the unarmored threespine stickleback Conservation Action site.

The Foothill Feeder will continue to be shut down for inspections and maintenance approximately every 5 years, during the wet season (November through March). This frequency could be increased or reduced, depending on scheduling, results of inspections, and priority of maintenance needs. The Applicant is seeking a 25-year Section 10(a)(1)(B) Permit for the incidental take of the covered species in connection with its maintenance activities.

The land covered under this HCP includes the downstream reaches below each blow-off release location, including Charlie Canyon Creek downstream to Castaic Creek, Castaic Creek downstream to the Santa Clara River, San Francisquito Creek downstream to the Santa Clara River, Placerita Canyon Creek downstream to the Santa Clara River, and the Santa Clara River downstream to Castaic Creek totaling approximately 15 river miles. The land covered under this HCP also includes the 40-acre unarmored threespine stickleback Conservation Area (also known as Stickleback Ranch; mitigation site) located in Soledad Canyon.

San Francisquito Creek is known to support unarmored threespine stickleback throughout much of the reach within the Covered Area following initial seasonal storm events and prior to those flows retreating underground in the dryer months. Furthermore, two important seasonal breeding areas have been identified within or just downstream of the Covered Area, one in San Francisquito Creek adjacent to the confluence with the Santa Clara River and the other in the marshy areas adjacent to Castaic Junction approximately midway between San Francisquito Creek and Castaic Creek confluences. Sampling in the Santa Clara River from downstream of Bouquet Canyon Road Bridge to the Valencia Water Reclamation Plant outfall (just downstream of Interstate 5) in most years since 1991 and occasionally from 1974-1990 have shown unarmored threespine stickleback to be consistently present in this stream reach. The downstream reaches of San Francisquito Creek historically have held sticklebacks, although in the last few years this reach was usually dry. However, should surface flow be present unarmored threespine sticklebacks could occupy lower San Francisquito Creek.

Small numbers of arroyo toads have been sporadically recorded from lower San Francisquito Creek, near the confluence of San Francisquito Creek and the Santa Clara River, and in the Santa Clara River upstream and downstream of the Interstate 5 Bridge. No arroyo toads are expected to inhabit San Francisquito Creek between the Newhall Ranch Road crossing and the U.S. Forest Service lands or South Fork of the Santa Clara River above Valencia Boulevard. Annual focused surveys for arroyo toads have been conducted in the Santa Clara River, including those portions of San Francisquito Creek potentially affected by proposed water releases from the Foothill Feeder pipeline. The only arroyo toads identified within the Covered Area were limited to a few individual adults that did not display any behaviors that suggested they were breeding, even though the surveys were conducted during the breeding season. Therefore, it is likely that at least a few arroyo toads occupy the stream reaches that will be affected by Applicant's water releases. Arroyo toads are known from Soledad Canyon

downstream of the unarmored threespine stickleback Conservation Action site, but the species has not been recorded in the vicinity since 2003. Designated critical habitat for the arroyo toad occurs in the lower 2.6 miles of Castaic Creek plus 4 miles of Santa Clara River from confluence of San Francisquito Creek to Castaic Creek as well as in the unarmored threespine stickleback Conservation Site in Soledad Canyon.

Current populations of California red-legged frog persist in San Francisquito Canyon at least 5 miles upstream of the Foothill Feeder. None are known to be present in the Covered Area but there is a strong potential for individuals from the upstream population to disperse downstream into the Covered Area.

The Santa Ana sucker population in the Santa Clara River may be native, introduced, or hybridized. Suckers in the Santa Clara River or its tributaries downstream of the Piru Gap are considered to be hybrids with the introduced Owens River sucker. Santa Ana suckers upstream of the Piru Gap are considered pure, native Santa Ana sucker, including those in Soledad Canyon in the vicinity of the unarmored threespine stickleback Conservation Action site. Santa Ana suckers could occur in the Covered Area in the Santa Clara River and San Francisquito Canyon, and several were observed in the Santa Clara River during monitoring of the 2007 shutdown and 2012 shutdown.

Western spadefoot toads are known from several locations in the vicinity Covered Area, including in San Francisquito Canyon, Placerita Canyon, and Soledad Canyon. These records were in locations out of the main riverbeds in adjacent uplands or impoundments. The western spadefoot has a low potential to occur at the Conservation Action site due to a general lack of suitable habitat

Two-striped garter snakes are not currently known to occur within the Covered Area. The species could be present along the Santa Clara River in the Covered Area with a low potential to occur near any of the other maintenance sites. The species has a high potential to occur at the UTS Conservation Action site.

Western pond turtles are known to occur in the Covered Area, including at several locations along the Santa Clara River near Interstate 5. Suitable habitat for the species exists at the unarmored threespine stickleback Conservation Action site.

For this HCP, the biological goal and objectives are as follows:

Goal 1. Minimize take of Covered Species during water releases.

Objective 1.1: Develop and implement monitoring protocols for shutdowns, discharges, and maintenance activities.

Objective 1.2: Develop and implement operational protocols for shutdowns, discharges, and maintenance activities that include measures to avoid release of pollutants and introduction of invasive species and to protect habitat.

Goal 2. Maintain and enhance habitat for Covered Species at the Conservation Action site.

Objective 2.1: Provide long-term protection and management of habitat for UTS and the other Covered Species at the Conservation Action Site.

Objective 2.2: To the extent compatible long-term habitat management goals, enhance habitat quality and value for UTS and the other Covered Species at the Conservation Action site.

Objective 2.3: Develop and implement avoidance and minimization measures for Covered Species during management and enhancement activities at the Conservation Action site.

The applicant proposes to reduce injury and mortality to the covered species by: (1) conducting pre-construction monitoring to relocate individuals of the covered species out of harm's way by a Service-approved biologists, (2) gradually increasing and decreasing discharge flows into the Santa Clara River so that aquatic species are not swept away by flooding and can return to main channel with subsiding flow, and (3) rescuing stranded individuals from the upper terraces of the river and relocating these individuals to suitable habitat within the river. The proposed minimization measures would reduce injury and mortality to all of the covered species.

The applicant proposes to mitigate for the taking of the covered species by restoring and enhancing a 40-acre site to provide natural riverine fluvial processes located upstream pipeline discharge points as well as implementing habitat restoration activities such as non-native vegetation removal or stream channel modification. The 40-acre area will be protected in perpetuity through a deed restriction and is in need of actions to restore habitat value and functions to increase suitability for the covered species. The 40-acre mitigation is administered by the Los Angeles County Regional Park and Open Space District. The enhancement of 40 acres will fully offset the impacts of the taking of the seven covered species within the 11 acres of currently available suitable habitat, as well as, the potential increase of suitable habitat should conditions change within the covered area due to the dynamic nature of the river system.

Monitoring would occur at the time of the shutdowns and water releases. A qualified biologist shall periodically monitor all activities at blow-off and other work stations during the preparation, dewatering, inspection, and maintenance/repair periods to ensure that impacts to adjacent habitat areas are being minimized/avoided and to assess the success of all mitigation measures. Effects monitoring during Covered Activity implementation will be provided in an annual report to the Service that will document the observations. The report will include: 1) a brief summary of the Covered Activities implemented during the reporting period, 2) a brief summary of the monitoring, avoidance, and minimization measures implemented during the reporting period, and 3) a tabular and narrative summaries of impacts to Covered Species during the reporting period.

In order to provide for monitoring of compliance with the terms and conditions of the HCP and ITP, the Applicant will submit an annual report to the Service that includes a description of: 1) Narrative discussion of the HCP implementation activities implemented and funded

during the reporting period and since ITP issuance, and 2) Statements of compliance with the permit terms and conditions, including the amount of take authorized for the Covered Species.

- II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?
- A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes, the effects of the HCP are minor on the Covered Species and their habitat. Approximately 11 acres of habitat suitable (perennially wetted segments of the Santa Clara River) for the Covered Species would be impacted approximately every 5 years resulting from the discharge of approximately 243.2 acre feet of freshwater at 6 different discharge points along the Santa Clara River and a few of its tributaries. No permanent impacts to habitat are expected other than habitat restoration at a 40-acre mitigation site, which would be beneficial in the long-term. Because of the small area of suitable habitat impacted by the HCP (i.e., approximately 11 acres of wetted channel) would occur every 5 years, and that the impacts are temporary, the effects of the HCP are minor. Furthermore, the adult amphibious Covered Species (e.g., arroyo toad, California red-legged frog, western spadefoot toad, and western pond turtle) are able to evade impacts from flooding on their own and that the Applicant proposes to implementation minimization and mitigation measures the effects of the HCP are minor and negligible.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?

Yes, the effects on the HCP are minor and negligible on all other components of the human environment, including environmental values and environmental resources. The project would have negligible effects to air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) <u>not</u> result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant?

Yes, the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) would not result, over time, in a cumulative effects to the human environment that would be considered significant. Any present and future projects that may occur in the vicinity of the permit area must include, when appropriate, minimization measures and mitigation that will minimize and avoid effects to environmental resources and the Covered Species.

## III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

#### Would implementation of the HCP:

#### A. Have significant impacts on public health or safety?

No, the project would have no implications on the health and/or safety of the public.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No, the project would not have any significant impacts on natural resources and/or unique geographic characteristics such as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources because none occur within the covered lands of the HCP.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No, the project does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No, the project does not have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No, the project does not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

## F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No, the project does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects because the proposed project does not have direct relationship to any other actions.

## G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No, the project does not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places because none occur within the covered lands of the HCP.

# H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No, the proposed project would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. Approximately 11 acres of habitat suitable (perennially wetted segments of the Santa Clara River) for the Covered Species would be temporarily impacted approximately every 5 years resulting from the discharge of approximately 243.2 acre feet of freshwater into the Santa Clara River and a few of its tributaries. No permanent impacts to habitat are expected other than habitat restoration at a 40-acre mitigation site, which would be beneficial in the long-term by helping meet recovery needs for the Covered Species. The proposed project would result in the conservation of a portion of arroyo toad critical habitat.

The anticipated amount of take for the unarmored threespine stickleback and the Santa Ana sucker would be relatively low (up to 300 individuals of each subspecies over a period of 25 years) and would predominately occur within the form of capture and relocation. Take in the form of injury or mortality potentially occurring from capture and handling could be up 5 individuals per relocation event. The mortality of up to 5 unarmored threespine stickleback or Santa Ana sucker during five different relocation events spread out over 25 years would be masked by the species' normal population fluctuations. Overall this take would be so minor it would result in negligible species effects. The anticipated amount take for the amphibious species would also be relatively low (0 to 5 egg strands or masses and 300 larvae of each species over a period of 25 years) and would predominately occur within the form of capture and relocation. Overall this take would be so minor it would result in negligible species effects.

## I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No, the project would not violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No, the project would not have a disproportionately high and adverse effect on low income or minority populations.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No, the project would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites because these sites do not exist on site.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No, the project would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. Alternatively, the project would result in the removal of noxious weeds and invasive species.

#### IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statues, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for Foothill Feeder Inspection and Maintenance Activities HCP qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Foothill Feeder Inspection and Maintenance Activities HCP. Therefore, the Service's permit action for Foothill Feeder Inspection and Maintenance Activities HCP is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

#### Other supporting documents:

Foothill Feeder Inspection and Maintenance Activities Habitat Conservation Plan Signature Approval:

 $\frac{10/22/18}{\text{Date}}$ 

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